

Complaints and Appeal Policy and Procedure



1. Purpose

Melbourne Trades College has implemented a documented complaint handling and appeals process and policy to provide the overseas student with comprehensive, free and easily accessible information about that process and policy.

The purpose of this policy is to ensure that learners at Melbourne Trades College have a fair complaints and appeals process that includes access to an independent external body, if necessary, Melbourne Trades College will make sure Complaints and Appeals processes are independent and easily accessible and inexpensive for the parties involved.

This Complaints and Appeals Policy and Procedure is designed to ensure that Melbourne Trades College responds effectively and efficiently to individual cases of dissatisfaction in accordance with the requirements of:

- Standards for RTO 2015
 - Clause 6.1, 6.2, 6.3, 6.4, 6.5, 6.6
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (referred as National Code 2018)
 - Standard 10

This policy has been documented for overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally.

2. Scope

This policy applies to all enrolled and prospective overseas students at Melbourne Trades College, staff members of Melbourne Trades College, education agents of Melbourne Trades College and any other related party who wish to make or lodge complaints about matters which falls within the responsibility of the Melbourne Trades College.

3. Responsibility

The Chief/Principal Executive officer (CEO) is responsible for the implementation of this policy and procedures and ensuring that staff and students are made aware of its application.

Melbourne Trades College will manage and respond to any complaint or appeal that overseas student makes regarding his or her dealings with Melbourne Trades College, Melbourne Trades College's trainers/assessors or other staff, Melbourne Trades College's education agents.

Melbourne Trades College has made arrangements in place for a person or body independent of internal and external to Melbourne Trades College to hear complaints or appeals arising from the Melbourne Trades College's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.

Melbourne Trades College will finalise the outcome as soon as practicable.

Melbourne Trades College will take all the complaints and appeals seriously and will resolve Complaints and Appeals quickly and equitably, using the principles of natural justice. The

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procedures for complaints and appeals will be fair, objective and accessible. Complaints and appeals will be recorded, acknowledged and dealt with fairly, efficiently and effectively.

Melbourne Trades College will identify potential causes of complaints, appeals, and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Melbourne Trades College will manage and respond to allegations involving the conduct of

- Melbourne Trades College, its trainers, assessors or other staff
- a third-party providing services on the RTO's behalf, its trainers, assessors or other staff (not applicable)
- a learner of Melbourne Trades College
- Melbourne Trades College's complaints and Appeals policy:
- ensures that the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeals process
- are publicly available like website, student's handbook and prospectus.

4. Definitions

Complainant refers to a person who has lodged a complaint with Melbourne Trades College.

Complaint means a person's expression of dissatisfaction with any service provided by Melbourne Trades College, Melbourne Trades Colleges education agents or any related party that Melbourne Trades College has an arrangement with to deliver the overseas student's course or related services.

Appeal refers to the process where a student requests for the case to be reviewed if dissatisfied with a decision made by Melbourne Trades College.

5. Procedures

Information about the complaints and appeals process

Applicants for enrolments are provided with necessary information about complaints and appeals process in pre-enrolment information like Melbourne Trades College's student handbook, written agreements, etc. Information on complaints and appeals policy and procedure is available online at Melbourne Trades College's website www.melbournetradescollege.vic.edu.au

Students will be provided with information about the complaints and appeals process during orientation.

The CEO will be responsible for ensuring that all the management staff, student services staff, marketing staff, trainers and assessors and students at Melbourne Trades College are aware of the policies and procedures for complaints and appeals. Provision of information about the Melbourne Trades College's complaints and appeals process is an important aspect of the induction process for new members of staff.

Complaint Procedure

Melbourne Trades College will maintain a Complaints/Grievance Register, and a Complaints form and Appeals form, which will allow the identification and details of the following:

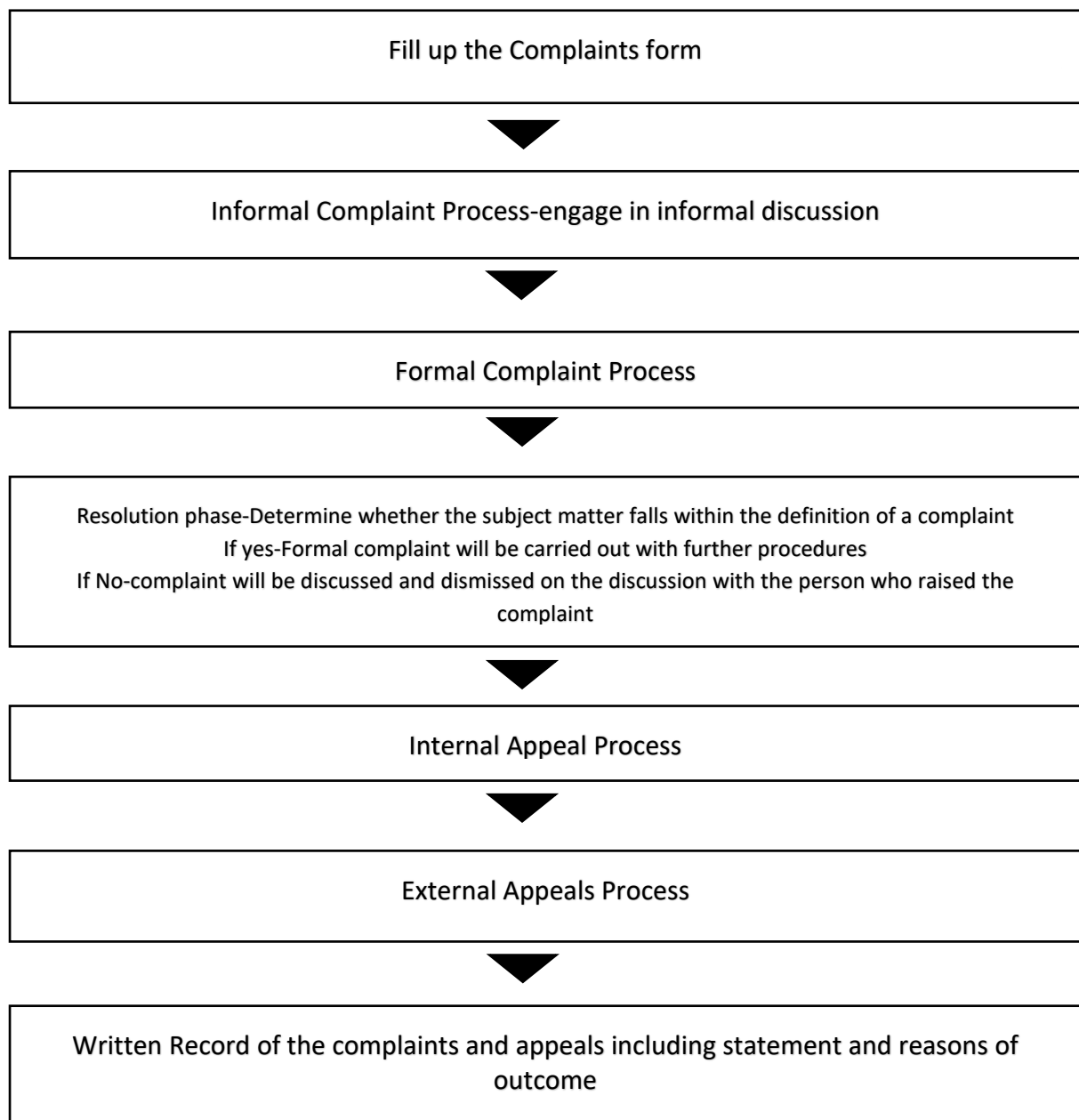
- Submission date of complaint
- Nature of complaint

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- Date/s when cause of complaint occurred
- Attachments (if applicable)
- Determined Resolution
- Date of Resolution.
- Independent Dispute Resolution (Overseas Student Ombudsman)

5.1. Informal Complaint Process

Students who wish to make a complaint are encouraged to initially engage in informal discussion about the matter with the staff member/s involved. Any student with a complaint may first raise the issue informally with Student Support Officer, Administration Officer or Trainer and attempt an informal resolution of the complaint.



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Complaints dealt in this way will not become part of the formal complaints process and will not be documented, recorded or reported on unless Melbourne Trades College staff involved determines that the issue in question or complaint is relevant to the wider operation of Melbourne Trades College.

Melbourne Trades College staff involved in the discussion of an informal complaint or appeal will do their best to resolve the matter effectively and quickly.

Students who are not satisfied with the outcome of the complaint, they will be advised to register a formal complaint.

What can a complaint be about?

A complaint can be about:

- any aspect of the service provided, or not provided by Melbourne Trades College
- any aspect of the training and assessment
- the behaviour or decisions of staff, or
- policies and/or procedures of Melbourne Trades College
- any action by any relevant 3rd party

5.2. Formal Complaint Process

Students who are not satisfied with the outcome of the informal process can register a formal complaint in writing to the Student Support Officer/Complaints Officer. Students can also send an email alternatively to info@melbtc.vic.edu.au

Lodging a complaint

To register a formal complaint, a student must complete and submit a Student Complaints Form to Student Support Officer/Complaints Officer providing:

- a clear and detailed statement of the complaint, including the parties involved
- a suggested solution that the student believes would settle the complaint (E.g. an appropriate solution will focus on achieving a productive study environment or relationship, rather than apportioning blame).
- Complaint will be lodged in a complaint register.

The resolution phase: The Student Support Officer/Complaints Officer will determine whether the subject matter falls within the definition of a complaint. This period is called the resolution phase.

The resolution phase will commence within **10 working days** of the complaint being lodged in writing, i.e. assessment of complaints or appeal will commence within 10 working days of it being made and the outcome will be finalised as soon as possible.

Where it is determined that the subject matter falls within the definition, the following procedures will take place:

- **Acknowledging the Lodging of a complaint**

Each formal complaint lodged by a student will be acknowledged in writing. The acknowledgement will be provided to the student in person and/or sent through email in writing by student support/admin staff.

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The Student support/admin staff will forward the complaint for action to the relevant department as soon as practicable and should not take more than 10 days. Parties to complaint will not be part of the investigation team.

- **Recording the complaint**

Details of the complaints and their outcomes will be recorded in Melbourne Trades College's complaints and appeals register and a copy will be filed in student's file. The original complaint will be forwarded to the Student Support Officer/Complaints Officer. The Student Support Officer/Complaints Officer will be responsible for ensuring that all of these actions are completed within five working days of the lodgement of the complaint.

- **Acting on Complaint**

All concerned parties will be contacted for investigation. Students will be given an opportunity to respond and present their case with supporting evidence.

Student Support Officer/Complaints Officer will set an agenda for the meeting and discuss what steps should be taken.

The right to be accompanied by a support person during the complaints/appeals process: Parties making complaint will be invited for meeting and each involved party may be accompanied and assisted by a support person, according to the principles of natural justice. There will be an attempt to resolve the complaint by using the process outlined by the student for settlement (if appropriate) or through meeting, mediation and/or conciliation.

All the information will be gathered as required to assist with the settlement of the complaint, including, providing the respondent with the statement of the complaint and all the relevant documents.

Complaints will be investigated thoroughly in spirit of natural justice and principal fairness. Best possible resolution will be achieved keeping a student-centred approach based on the facts and documents.

- **Time frame**

Person making complaint will be informed of the outcome in writing and all the complaints will be finalised as soon as practicable understanding the student's requirements and other matters but *maximum within 60 days of receipt of complaint.*

Where Melbourne Trades College considers more than 60 calendar days are required to process and finalise the complaint or appeal, the College will inform the complainant or appellant in writing, including reasons on why more than 60 calendar days are required, and will regularly update the complainant or appellant on the progress of the matter.

If complaint falls outside the definition of complaints: The Student Support Officer/Complaints Officer will advise the student accordingly. Student Support Officer/Complaints Officer may dismiss a complaint if, in their view the complaint is ill advised, misguided, frivolous, malicious or vexatious.

Note: *it is to be noted that Melbourne Trades College will respond to any complaint or appeal the overseas student makes regarding his or her dealings with Melbourne Trades College or Melbourne Trades College's education agents.*

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At the conclusion of the resolution phase, the Student Support Officer/Complaints Officer will write to both the student and the respondent indicating the outcome of the process and specifying any action that has been agreed upon by the parties as part of that process. Students will be informed about their Right to appeal within 20 days of the complaints if dissatisfied with the outcome.

Record the decision: Melbourne Trades College's decision and reasons for the decision will be recorded by the Student Support Officer/Complaints Officer and placed in the student's file.

If a student is dissatisfied with the outcome of the formal complaint process, students may initiate an internal appeal process by completing an Appeal Form available from the website www.melbournetradescollege.vic.edu.au or from College's reception.

Appeals

Melbourne Trades College's appeals procedures will help in managing requests for a review of decisions, including decisions made by Melbourne Trades College.

5.3. Internal Appeals Process

Internal appeals may arise from a number of sources including appeals against refund decisions, assessment outcomes, appeals against disciplinary actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by student who is dissatisfied with the outcome to reconsider a decision made by Melbourne Trades College.

An Internal Appeal Process is initiated by a student lodging an Appeal by filling up an Appeals Form available from Student Administration and/or Melbourne Trades College website.

- **Acknowledging the Lodging of a complaint**

Appeals are acknowledged by sending written confirmation of the complaint that will be done by Administration Manager or representative.

- **Consideration of Appeal by Complaints and appeals officer**

Where an appeal relates to the following matters, the Student Appeals Form must be lodged within 20 working days (International Students):

- Notification of an intention to report the student to the Department of Home Affairs (DHA) or due to unsatisfactory Course Progress.
- Notification of an intention to suspend or cancel a student's enrolment due to misbehaviour, or other extenuating circumstances (ref. Student Code of Behaviour and Discipline Procedures for details).

- **Time Frame and Acting on an Appeal**

Within 10 working days of receiving the Complaints and Appeal Form, Chief Executive Officer (CEO) will appoint an Investigator or convene a Student Appeal Committee to hear the appeals and propose a final resolution. This Investigator or Committee will not include any person who has heard the original complaint. The Investigator or the Student Appeals Committee will:

- a. Meet with the student (and support person, if present) and provide the student with an opportunity to present their case with any supporting evidence provided in the meeting at minimal or no cost.

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- At any given meeting to discuss an appeal, students will be given an opportunity **to be accompanied and assisted by a support person.**
- b. At the conclusion of the meeting, students will be informed about the timeframe within which the College will provide a written outcome of the appeal. The timeframe will generally be 10 working days. After the meeting, the Investigator or Committee will, impartially, consider all the evidence and make a decision.

Student Appeal Committee

- *Chief Executive Officer*
- *Administration Manager*
- *Investigator or nominee appointed by the CEO*

**Melbourne Trades College will ensure that assessment of the complaint or appeal is conducted in a professional, fair and transparent manner.*

The outcome will be documented and will include the reasons for the decision. If the decision goes against the student, the outcome will include information for the student of **his or her right to an external appeal.** Details of the suitable external appeal bodies will be made available to the student with information at no cost associated with that.

If more than 60 days: Where it is apparent that appeals will take more than 60 calendar days, appellant will be informed in writing, including reasons why more than 60 calendar days are required, and the students will be regularly updated on the progress of the matter.

Recording the appeal: Melbourne Trades College will keep a written record of the complaint or appeal, including statement of the outcome and the reasons for the outcome with signature and date of student and Administration Manager.

A written statement of the outcome of the internal appeal, including detailed reasons for the outcome will be sent to the student.

If matter remains unresolved or student is unsuccessful or dissatisfied with the outcome.

There might be cases where matter is still unresolved after the implementation of above procedures and the internal appeals process exhausted, or if the student is not successful in the Melbourne Trades College's internal complaints and appeals process. In such cases, Melbourne Trades College will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaint handling and appeals process without any cost charged by Melbourne Trades College.

Note: Students' enrolment will be kept active until both internal and external appeal is concluded.

5.4. External Appeals Process

After the student has been advised of the external complaint handling process and procedure, Melbourne Trades College will provide students with contact details of the appropriate complaints handling and external appeals body.

Melbourne Trades College will refer the student to **Overseas Students Ombudsman** to lodge an external appeal or complain about the decision.

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The Overseas Students Ombudsman offers free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.

In most cases, the purpose of the external appeals process is to consider whether the registered provider, i.e. Melbourne Trades College in this case, has followed its policies and procedures, rather than make a decision in place of the College. External appeal authority will be provided with sufficient information within due timelines requested.

For example, if an overseas student appeals against his or her subject results and goes through the internal appeals process of the College, the external appeals process would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

Complaint's outcome will be entered in complaints register after external appeals has given a decision and copy of all relevant documents will be attached in that register.

Outcome

If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, Melbourne Trades College will immediately implement the decision or recommendation and/or take preventive or corrective action required as per the decision and advise overseas student of that action or outcome.

Written record of the complaints or Appeal and statement of the outcome will be kept and maintained by Melbourne Trades College.

Examples of an external or independent body or person may include:

- private conciliators or dispute resolution counsellors
- a complaints and appeals body established by a peak industry body
- representatives of Commonwealth and state or territory government departments including the Office of the Training Advocate; or
- Commonwealth and state or territory offices of the Ombudsman may be the appropriate body for a public provider.

NOTE: The Overseas Students Ombudsman is a free and independent service

The Overseas Students Ombudsman contact details are:

- **Website:** <http://www.ombudsman.gov.au/>
- **Email:** ombudsman@ombudsman.gov.au
- **Contact Number:** 1300 362 072

The Overseas Students Ombudsman investigates complaints about problems that overseas students have with private education and training in Australia.

The Ombudsman (OSO) also:

- a. Provides information about best practice complaints handling to help private education providers manage internal complaints effectively.
- b. Publishes reports on problems and broader issues in international education that OSO identify through investigations.

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For further information, please visit www.oso.gov.au or contact overseas student ombudsman by telephone, 9am to 5pm Monday to Friday, Australian Eastern Standard Time (AEST). In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 011.

Appeals related to Deferment, Suspension or Cancellation of Enrolment

Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, Melbourne Trades College will not update the student's status or report to Department of Home Affairs (DHA) via PRISMS until the appeal process is completed.

Melbourne Trades College will maintain all relevant responsibilities until:

- the internal and external complaints processes have been completed and the breach has been upheld;
- the overseas student has chosen not to access the internal complaints and appeals process within the 20-working day period;
- the overseas student has chosen not to access the external complaints and appeals process;
- The overseas student withdraws from the internal or external appeals process, by notifying Melbourne Trades College in writing.

Note: *Please note that the following procedures do not remove your right to seek other dispute resolution services, or to seek other legal remedies, provided by external bodies, such as, the Dispute Settlement Commission of Victoria, Consumer and Business Affairs Victoria, or the Equal Opportunity Commission Victoria.

Students Rights as Consumer

Complaints and Appeals Policy, and Procedure do not remove the right of students to take action under Australia's consumer protection laws.

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Important Contacts

Staff	Contact details	What assistance they can provide
Melbourne Trades College Student support officer	info@melbtc.vic.edu.au 03 7066 5255	Your contact to manage your complaints and appeals.
Administration Manager	info@melbtc.vic.edu.au 03 7066 5255	Your contact to manage your complaints.
Appeal committee - CEO - Administration Manager - Investigator	info@melbtc.vic.edu.au 03 7066 5255	If you are not satisfied with outcome of complaint. You can lodge an appeal with appeals committee
Overseas Student Ombudsman	In Australia: 1300 362 072 Outside Australia: +61 262760111	External appeals
Australian Skills Quality Authority	https://www.asqa.gov.au/contact	Complaints about providers and their practices